1:Heckewelder M-5 (ca. 1800)1819
NM7 Delaware NM7

paint here and there on the trees along the war path, the whole animals carrying a gun with the muzzle projecting forward, and if he leaves a mark at the place where he has made a stroke on his enemy, it will be the picture of a tortoise. Those of the Turkey tribe paint only one foot of a turkey, and the Wolf tribe, sometimes a wolf at large with one leg and foot raised up to serve as a hand, in which the animal also carries a gun with the muzzle forward. They, however, do not generally use the word "wolf," when speaking of their tribe, but call themselves *Pauk-sit*,[2] which means *round-foot*, that animal having a round foot like a dog.

The Indians, in their hours of leisure, paint their different marks or badges on the doors of their respective houses, that those who pass by may know to which tribe the inhabitants belong. Those marks also serve them for signatures to treaties and other documents. They are as proud of their origin from the tortoise, the turkey, and the wolf, as the nobles of Europe are of their descent from the feudal barons of ancient times, and when children spring from intermarriages between different tribes, their genealogy is carefully preserved by tradition in the family, that they may know to which tribe they belong.

I have often reflected on the curious connexion which appears to subsist in the mind of an Indian between man and the brute creation, and found much matter in it for curious observation. Although they consider themselves superior to all other animals and are very proud of that superiority; although they believe that the beasts of the forest, the birds of the air, and the fishes of the waters, were created by the Almighty Being for the use of man; yet it seems as if they ascribe the difference between themselves and the brute kind, and the dominion which they have over them, more to their superior bodily strength and dexterity than to their immortal souls. All beings endowed by the Creator with the power of volition and self-motion, they view in a manner as a great society of

2 [Lenâtum. See cat. 116, p. 348. - Analyst]

2:Newcomb' E-4, 5 (1951-1952) 1956
NM7 Delaware NM7

221 the Indians congregated in their small villages, gardening and, if near the sea or a river, fishing. After they had planted the gardens they regularly visited the Europeans.[104] Following the harvest, and at least in later times after the socioreligious ceremonies climaxed by the Big House Ceremony, the villages were deserted as individual families scattered to their hunting territories. The first fall hunt was for deer and seems to have been communal, perhaps prior to the dispersal to individual hunting grounds. After the deer hunt bears and other game were sought by individual hunters.[105] The men hunted until February or March, depending upon the season. In later times the individual families then went to their sugaring grounds; there the women collected and boiled down the maple sap while the men continued to hunt.[106] In spring they again moved to their villages and planted their crops. Wallace has pointed out, however, that there were some exceptions to the hunting-gardening cycle;[107] different sorts of adjustment by different groups were necessary in the relatively diverse habitat of the Delawares.

Property Concept and Hunting Territories

422 The concept of private ownership of personal equipment, tools, and the like was well developed among the Delawares. Heckewelder, who had a good grasp of this subject, said:

> There is nothing in an Indian's house or family without its particular owner. Every individual knows what belongs to him, from the horse or cow down to the dog, cat, kitten and little chicken. Parents make presents to their children, and they in return to their parents. A father will sometimes ask his wife or one of his children for the loan of his horse to go out a hunting. For a litter of kittens or brood of chickens, there are often as many different owners as there are individual animals. In purchasing a hen with her brood, one frequently has to deal for it with several children. Thus, while the principle of community of goods prevails in the state, the rights of property are acknowledged among the members of a family. This is attended with a very good effect; for by this means every living creature is properly taken care of. It also promotes liberality among the children, which becomes a habit with them by the time they are grown up.[108]

Although most of Heckewelder's examples were items introduced by Europeans, there seems to be no reason why this sort of property concept was not an early one. This type of ownership is akin to our own concept of property; the 'ownership' of other kinds of property was quite distinct from our own.

[421] W. C. MacLeod,[109] utilizing Speck's[110] investigation, has presented a well-documented case for the family ownership of hunting grounds. ●423 The purpose of his paper was obviously to support the contentions of

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[104] Denton, 1845, p. 7; Holm, 1834, p. 123; De Rasieres, 1909, pp. 107-8.
[105] De Vries, 1909, p. 332; Zeisberger, 1910, pp. 12-13; Loshiel, 1794, p. 78.
[106] Zeisberger, 1910, p. 13.
[107] Wallace, 1947, p. 17.
[108] Heckewelder, 1881, pp. 158-59.
[109] MacLeod, 1923, pp. 448-63.
[110] Speck, 1915, pp. 289-305.

2:Newcomb E-4, 5 (1951-1952) 1956
NM7 Delaware NM7

423 [114]

R. H. Lowie[108] and others who at this time (*ca.* 1920) were attempting to demonstrate that private ownership was the rule and not the exception in primitive society. I do not deny that the Delawares shared in the Eastern Algonkian trait of family-held hunting grounds. I do deny, however, that the early historic concept of land ownership was analogous to the European one. Wallace, who has made the most penetrating study of early Delaware land tenure, summed up their concept by saying:

> To the Delaware Indian, land was an element, a medium of existence, like the air and the sunlight and the rivers. To him, "ownership" of land meant, not exclusive personal title to the soil itself, but occupation of a certain position of responsibility in the social unit which exploited the soil. The "sale" of land (to use the white man's term) might, to the Delaware, be almost any mutually satisfactory change in the relationship of two groups of persons subsisting on the land. In the earliest sales, the Indians seem to have intended only to give the whites freedom to use the land in conjunction with the native population.[109]

MacLeod in a footnote tacitly agreed with this point of view, saying: "The selling of land of course was a notion foreign, so far as we know, to native ideas or practice."[110]

There are no seventeenth-century sources which, to my knowledge, described directly and in straightforward fashion the hunting territories. On the basis of the records of early land transactions, however, both MacLeod and Wallace have reconstructed the system which must have existed. The smallest unit of land was a named "hunting territory covering up to two hundred square miles of land."[111] Their boundaries were often vague, and territories overlapped, although natural landmarks were used as boundaries. "Such territories are often associated in European documents with the names of individual Indians, who are called 'owners.'"[112] Most of these territories were, however, sold by groups of Indians. In short, the so-called "owners" were simply representatives of the social units who used this land.[113] It also appears that disposition of these territories did not rest solely in the hands of these individuals, but was the privilege of the community.[114] Wallace has demonstrated that a number of individual hunting territories made up a larger unit which he terms "communal territories" of "up to 1500 square miles."[115]

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Inheritance of hunting territory right is but vaguely understood. MacLeod has suggested that the inheritance of hunting territory was through the paternal line, since it was used primarily by males. If this was true it would suggest either that matrilineal reckoning of kinship was a historic accretion to Delaware culture, or that the two systems existed side by side.[116] Wallace has concluded, as have I, that the maternal lineage was the social unit that "owned" or perhaps more aptly

[108] Lowie, 1920, pp. 310 ff.
[109] Wallace, 1947, p. 2; Heckewelder, 1881, p. 102, agreed with this concept of land possession.
[110] MacLeod, 1932, p. 483.
[111] Wallace, 1947, p. 3.
[112] *Ibid.*, p. 3; MacLeod, 1932, p. 483.
[113] Wallace, 1947, p. 4.
[114] *Ibid.*, p. 5.
[115] *Ibid.*, p. 6.
[116] MacLeod, 1932, p. 483.

2:Newcomb E-4, 5 (1951-1952) 1956
NM7 Delaware NM7

"belonged to" the "individual" hunting territory.[117] The lineage, clan, and phratry are discussed in the next chapter. There is nothing incompatible in the existence of maternal lineages (or clans) and male-used hunting territories.

Material Culture

Villages.— There is little information concerning the villages and general settlement pattern of the early historic Delawares. Villages, or perhaps they might better be termed hamlets, were situated in bottom lands near the gardens or along the shores of bays.[118] These dispersed settlements were not palisaded.[119] Eighteenth-century and later information seems to reflect the original condition in that these settlements had no regular plan of arrangement, and that houses were not built close together.[120] There is no information concerning the length of time these villages were inhabited. If their garden plots were fertilized, residence in the villages may have been relatively permanent, but the fertilizer issue is in doubt. By the eighteenth century, after extensive migrations, villages were occupied until it became "troublesome to secure wood for fuel" and, implicitly, until they became overburdened with filth.[121] The Evelin paper of 1648 described twenty-three communities in New Jersey, ranging in population from fourteen to six hundred persons.[122] Lindestrom noted community size as "several hundred men strong, under each chief, counting women and children, some being stronger, some weaker."[123]

Dwellings.— There seems to have been some diversity in the type of dwellings of the early seventeenth-century Delawares. A circular wigwam and a long house identical with the Iroquoian type have been described, although the latter seems to represent a late prehistoric diffusion. De Laet and Van der Donck depicted Delawares using a circular bark dwelling with vaulted ceiling.[124] In another place De Laet stated that the dwelling was oven-shaped, but large enough for several related families.[125] Penn and Pastorius also alluded to this style of dwelling, whereas Holm and Lindestrom mentioned what seems to be the Iroquoian long house.[126] Zeisberger in the eighteenth century distinguished between house types of the Iroquois and the Delawares, describing a "rounded, arched roof" for the Iroquois and a "high-pitched, peaked roof" for the Delawares.[127] Harrington in 1913 characterized the house type current a few years previously as being similar to the Iroquois type.[128] The evidence, then, is not conclusive, but it seems probable

[117] Wallace, 1947, p. 18.
[118] Zeisberger, 1910, p. 87; Wallace, 1947, p. 18.
[119] Lindestrom, 1925, p. 241.
[120] Zeisberger, 1910, p. 87; O. A., J. T.
[121] Zeisberger, 1910, p. 87.
[122] Smith, 1877, p. 11.
[123] Lindestrom, 1925, p. 170.
[124] De Laet, 1909, p. 57; Van der Donck, 1909, p. 302.
[125] De Laet, 1909, p. 57.
[126] Penn, 1912, p. 232; Pastorius, 1912, p. 429; Holm, 1834, p. 123; Lindestrom, 1925, p. 211.
[127] Zeisberger, 1910, pp. 17-18.
[128] Harrington, 1913, pp. 217-18.

9: Kinietz E-4, 5 (1938) 1946
NM7 Delaware NM7

crease or decrease in population, although the Delaware had increased some three hunderd in number.[1]

Most of the Delaware are living on their allotments scattered through the territory originally reserved for the Cherokee. Few of their allotments are contiguous, due to the exigencies of the allotting and to the fact that many of the farms have been sold when restrictions were removed. Very few of them were fortunate enough to have oil on their lands. They either farm their fields or cash rent them. Judging from the state of repair of the houses, those that farm their own fields are more prosperous than those who rent them out. This distinction is also recognized by the Indians. The majority probably rent their fields and subsist on the small cash return, aided by the produce from their gardens, old age pensions, and other occasional sources of income. There is very little in the appearance of their houses to distinguish them from their white neighbors. Clothes and automobiles also reflect their economic status in the same way that these items do for their white neighbors.

After their incorporation with the Cherokee, the Delaware maintained their own chieftainships for a time. As the functions of these clan heads ceased, so did the rules for the filling of the offices and the need for keeping them filled. The last of the clan chiefs died about 1900. Since that time only chiefs for the entire Delaware group in northeastern Oklahoma have been elected. These were elected mostly for business purposes—to have an official representative to treat with the Federal Government on annuities and other money matters. In the election each of the three tribal divisions, Turtle, Wolf, and Turkey nominated a candidate. The man getting the most votes was elected chief and the one getting the next highest number became assistant chief. The last election was held about 1917. The chief who was elected then died about 1935, and since that time there has been no recognized chief.

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[1] Pratt, John G., to J. R. Doolittle, September 15, 1865, in *Condition of the Indian Tribes. Report of the Joint Special Committee . . .* (*Senate Reports*, 39 Congress, 2 session, No. 156, Washington, D. C., 1867), Appendix, p. 483.

15:Morgan E-5 (1859)1959
NM7 Delaware NM7
Shawnee NN19

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balance of these lands they have sold to the government for 60 cents per acre. Upon these last lands the settlers have entered. The Delawares have also made a new treaty, by which after reserving a portion of their splendid reserve, they have agreed that the Government may sell the remainder for their benefit at public sale by auction, and that after deducting the expenses of the survey and sale, they are to have the remainder.[12] If the Indians located in this territory manage their property rights well, they will become well off, every individual, from the proceeds of their lands. They have possessed themselves of the finest part of Kansas under the treaties which provided for their removal.

15:Morgan E-5 (1859)1959
NM7 Delaware NM7
Shawnee NN17
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11. By treaty in 1854, the Shawnees surrendered 1,600,000 acres of land to the government and received "one-eighth of it back for distribution among the tribe . . . Voluntary allotment in severalty was a prominent feature of the treaty, and the division of the diminished reserve was to be made upon the basis of 200 acres for every individual . . . In the winter of 1856–57, Lot Coffman, a surveyor, was appointed by the federal government to take a census of the Shawnees and to distribute the land in accordance therewith" (Anna Heloise Abel, "Indian Reservations in Kansas and the Extinguishment of Their Title," in *Transactions of the Kansas Historical Society, 1903–04*, VIII, 93).

12. See *ibid.*, pp. 88–90.

31: Snyderman E-5 (ca. 1948) 1951
NM9 Iroquois NM9
Delaware NM7
Miami NP9

I D M 423 574 648 563 [682] when the Delaware tried to exact "blood money" from the Miami to "cover the bones" of several of their people who had been murdered by the Miami, they were reminded firmly that they had been allowed to keep the money for the sales of Miami lands and that this should suffice. Joseph Richardville speaking for the Miami stated:

> Grand Fathers: You must recollect when you passed over the great mountains, & came to our country, that you were poor and destitute; you placed yourselves under our protection; we gave you lands, & at the Treaty of St. Mary's you sat in council with us. These we considered enough to satisfy you for all the injury our bad young men had done you; but it appears otherwise, for you continue to beg for more nothwithstanding all that has been told to you by our old chief who now lies sick in his wigwam. [Tipton, 1942, p. 764.]

When it was politic, the Iroquois assumed responsibility for their "dependents" to the point of pressing their claims. Thus Canassatego speaking to Representatives of Pennsylvania, Maryland, and Virginia at Lancaster on July 2, 1744, pressed the case of the Canoy who had been defrauded by the Whites (Lowrie and Clarke, 1832–34, vol. 1, pp. 724–725).

On July 1, 1749, the Iroquois Assuchquay spoke for the Canoy as follows:

I [694] As we were coming here the Canoy Indians gave us this string of Wampum, thereby putting their case into our Hands, which we undertook to Speak to. It seems when the Proprietories bought the Land between Delaware and Susquehanna from us, the Tract, as they told us, on which the Canoy Town stood was reserv'd out of the Grant on account of those Indians living there, & when they should quit it they were to have a Consideration paid them for it. This we think they are entitled to, as they have left the Land & Live among other Nations at Juniata; and as they tell us that they never receiv'd anything for their Land. we recommend it to you to see them paid. [Prov. Council Pa., Minutes, vol. 5, p. 390.]

And when it suited their purposes, dependents were allowed to share the presents. There is on record an actual agreement between the chiefs of the Six Nations and the Commissioners of Pennsylvania dated January 1, 1789, which contains a clause noting that, "Two Munseys signed as being residenters on the land, but not owners" (Prov. Council Pa., Minutes, vol. 5, p. 512).

I 423 648 563 In the foregoing, we have described how the League functioned for its tenants, dependents, guests, and colonists. When the League began to sell the land from under dependent peoples, friction developed which was not to be resolved by the dictates of Onondaga. The attempt of the League authorities to prevent the Iroquois on the Ohio from receiving "presents from the Governor of Virginia" by labeling them "Hunters and no Counselors or Chief Men" (ibid., p. 478) convinced neither the Governor of Virginia nor the Indian frontiersmen of the League's power to enforce its decision. Likewise the state-

31: Snyderman E-5 (ca. 1948) 1951
NM9 Iroquois NM9
Delaware NM7

The new and alien philosophy, however, soon spread to the neighbors of the Iroquois and caused these onetime "subjects" to adopt the white man's vehicles and guarantees of ownership. The sorry experience of the Delaware beginning with the Walking Purchase induced them to demand a guarantee of title:

> The Land which we now inhabit was granted by the Miamies and Potawatomies which they have renewed last September in great council held at Fort Wayne in the presence of Captain Wells and the commanding officer of the Fort.
>
> They granted to us to occupy and possess said land for the benefit of our tribes & their prosperity. But prohibited the right of selling the same. But took us in as joint owners of Said Land or Country—lest the grant should in future day fall into the hands of the white people, wherefore they gave us no writing at the time this took place. But for security they gave us Wampum instead of a written Deed. Our chiefs are doubtful with regard of such pledges—and indeed experience ought to teach us the weakness of such a measure. By observation the population of the United States, it appears to us that all Indian claims will be extinguished by the white people before long. The Land in which we wish to dwell all our days will inevitably be sold from under the feet of our poor children after us. In that case what will become of them . . . They will be compelled to dispossess once more. We dread that evil very much in spite of the pledges of Wampum which was given to us.

The chiefs went on to ask for "assistance" as they and their people (the Delaware) were "poor and have no sure habitation." They pointed out that they now found themselves in the "same situation as the first Whites whom they befriended." They asked for "pity" and a "writing" so that they would not be dispossessed by the Whites, who now claimed almost the "entire country" (Parker, Daniel, n. d.).

The quoted plea of the Delaware summarizes the basic changes in Indian philosophy toward land; it is symbolic of the fears and tensions shared by the Iroquois and all their Indian neighbors. It seems certain that prior to white contact, land was given (though not deeded in our sense), and wampum was used as a promise in perpetuity providing the new owner behaved.

The translation of land to a salable economic commodity blurred tribal boundaries. In times prior to the arrival of the Whites, tracts of land were claimed and even occupied by several tribes who seemed to have lived peaceably together. A band which moved from a piece of land and neither occupied it for a number of years nor hunted on it, in fact relinquished its claim. The only recollections of its former residence remained in the folklore. The new and, to the Indian's way of thinking, "artificial" values placed on land by the Whites destroyed these principles. We now find them claiming land long after they moved away. This is also indicative of the fact that all Indian philosophy was foundering in the whirlpool created by the impact of crass materialistic motives against an idealistic and natural ideology.